

Amendment
Serial No. 10/091,050

Docket No. DE010063

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claim 1-6 are pending and stand rejected. Claims 1, 5, and 6 have been amended. Claims 7-9 have been added.

Claims 1, 5 and 6 stand rejected under 35 USC 112, second paragraph as being indefinite. The Office Action states that it is "unclear whether the search line (extends) in the image plane or normal to the image plane ... It is required that a reference be provided for the normal."

Applicant thanks the Examiner for his observation, but believes that the claims as recited are clear. However, in the interest of advancing the prosecution of this matter, the claims have been amended to recite "the projection of the normal and the normal n itself are situated in a plane extending perpendicularly to the image plane I and perpendicularly to line segments of the meshes which intersect the image." No new matter has been added.

Support for the amendment may be found at least on page 5, lines 10-14, which state "[t]he search for a triangle also punctures the image plane at an angle and in a single point. The search for a structure point in the image, therefore, is carried out along a line n_i which extends in the image plane I and whose direction corresponds to the direction of the normal n on the image plane I (the projection of the normal and the normal n itself are situated in a plane extending perpendicularly to the image plane I)" and in Figure 5, which illustrates the perpendicular relationship of the normal n a line segment of the meshes which intersect the image.

Having amended the claims to recite the relationship of the normal n , applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1-6 stand rejected under 35 USC 102(e) as being anticipated by O'Donnell (USP no.6,201,543), which is the same reason recited in the prior Office Action for rejecting the claims. The instant Office Action further states that O'Donnell teaches "the search line (uncertainty line Figure 13, 36) extends in the image plane (the image plane

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being the same as the sheet of paper the figure is drawn on) and traverses the mesh. Looking at Figure 13, the points (32) P_i , P_{i+1} , P_{i+2} and P_{i-1} are in the same plane as the image plane. These points (32) are connected by line segments (34) representing the mesh's intersection with the image plane ... The search line (36) is then described as being perpendicular to the line segment (34) and therefore in the same plane as the image (col. 12, lines 56-58) ..."

Applicant again respectfully disagrees with and explicitly traverses the reason for rejecting the claims for the same arguments made in response to the rejection of the claims made in the prior Office Action, which are repeated as if in full herein.

With reference to Figure 13 and col. 12, lines 56-58, O'Donnell teaches a search space using guessed points (P_i , P_{i+1} , P_{i+2} and P_{i-1}). O'Donnell further teaches building an uncertainty line around point P_i by taking perpendiculars to points P_{i-1} and P_{i+1} . The grouping of all the uncertainty lines defines an uncertainty band around the guessed contour.

O'Donnell fails to teach a projection of a normal (i.e., perpendicular) and that the normal is taken with respect in a plane perpendicular to the line segments of the mesh ("projection of the normal and the normal n itself are situated in a plane extending perpendicularly to the image plane I and perpendicularly to line segments of the meshes which intersect the image"), as is recited in the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

In this case, the independent claims, as amended, recite subject matter not disclosed by O'Donnell. Accordingly, O'Donnell cannot be said to anticipate the present invention, because O'Donnell fails to disclose each and every element recited.

Applicant believes that the reason for the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claims 5 and 6, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are also

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applicable in response to the rejection of claims 5 and 6. For the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of claims 5 and 6, applicant submits that the reason for rejecting these claims has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims, these claims ultimately depend from the independent claims which have been shown to contain subject matter not disclosed by, and allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

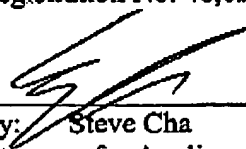
Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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